

S/N 10/750,224

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Alan M. Myers et al.	Examiner:	Tuan Quach
Serial No.:	10/750,224	Group Art Unit:	2826
Filed:	December 31, 2003	Docket No.:	884.855US1
Title:	APPARATUS AND METHOD INTEGRATING AN ELECTRO-OSMOTIC PUMP AND MICROCHANNEL ASSEMBLY INTO A DIE PACKAGE		
Assignee:	Intel Corporation	Customer Number:	21186

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The Applicant requests review of the final rejection in the above-identified Application. No amendments accompany this Request, which is being filed with a Notice of Appeal for the reasons stated below.

§103 Rejection of the Claims

Claims 27-29 were rejected under 35 USC § 103(a) as being unpatentable over Kim et al. (U.S. 2005/0062150 A1).

As pointed out in the July 13 Interview with Examiner Quach and in the Interview summary above, claims 27-29 were first rejected under 35 USC § 103(a) as being unpatentable over Kim et al. in the Office Action of July 27, 2005. In the Response of January 27, 2006, the facts of common ownership were made of record thereby disqualifying Kim et al as a reference. Those facts were accepted as to claims 10-12, but not for claims 27-29.

The Final Office Action continues to reject claims 27-29 under 35 USC 103(a), apparently based upon a contention that "Kim et al. apparently qualifies as prior art under another subsection of 35 U.S.C. 102, and therefore, is not disqualified as prior art under 35 USC 103(c)." Applicant respectfully traverses the rejection as unsupported, since it points to no facts or reasoning from which one can determine what there is about the Kim et al reference that would preclude it from being disqualified as a reference under 35 USC 103(c).

Reconsideration and withdrawal of the rejection of claims 27-29 is again respectfully requested.

Allowable Subject Matter

Claims 2-15 have been allowed.

Conclusion

Applicant respectfully submits that the claims 27-29 are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6970 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

ALAN M. MYERS ET AL.

By their Representatives,
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
Attorneys for Intel Corporation
P.O. Box 2938
Minneapolis, Minnesota 55402
(612) 373-6970

Date

Nov 6, 2006

By

Charles E. Steffey
Charles E. Steffey
Reg. No. 25,179

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: MS AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 27th day of July, 2006.

Name

Amy Moriarty

Signature

[Signature]